

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Killian et al

Art Unit: 2177

Serial No.: 09/713,432

Examiner: Luke S. Wassum

Filed: November 15, 2000

Docket: TI-26605

Conf. No.: 3221

For: APPARATUS AND METHOD TO FACILITATE THE CUSTOMIZATION        OF  
TELEVISION CONTENT WITH SUPPLEMENTAL DATA

**Appeal Brief under 37 C.F.R. §41.37**

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is Appellant's Appeal Brief filed pursuant to 37 C.F.R. §41.37 and the Notice of Appeal filed February 22, 2005 and further in response to the NOTIFICATION OF NON -COMPLIANT APPEAL BRIEF of March 20, 2006.

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**Real Party in Interest**

The real party in interest in this application is Texas Instruments Incorporated, a corporation of Delaware with its principle place of business in Dallas, Texas. An assignment to Texas Instruments Incorporated is recorded at reel 011343 and frames 0828 to 0830.

**Related Appeals and Interferences**

There are no appeals or interferences related to this appeal in this application.

**Status of the Claims**

Claims 1 to 10 and 16 to 19 are rejected and subject to this appeal. No claims are allowed or objected to. Claims 11 to 15, 20 and 21 are canceled.

**Status of Amendments Filed After Final Rejection**

No amendments to the claims were proposed following the FINAL REJECTION of September 22, 2004.

**Summary of Claimed Subject Matter**

Independent claims 1 and 6 are apparatus and the method practiced by the apparatus. The object of this invention is customizing television content from TV signals from a television service provider and supplemental data from a supplemental data database. A television tuner/decoder receives television signals from the television service provider . The viewer selects one television signal via an input device . A supplemental data extractor extracts supplemental data from the television service provider display component database. A profile database stores a viewer profile . A filter module select s a preferred display component according to the selected television signal, the viewer profile and the supplemental data This preferred display component consists of supplemental data selected according to the viewer profile from among plural supplemental data corresponding to the

selected television signal. The selected supplemental data targets a particular viewer relative to other viewers. This preferred display is integrated for combined display via a display device.

**Grounds for Rejection to be Reviewed on Appeal**

Claims 1, 2, 5, 6, 8 and 16 -19 were rejected under 35 U.S.C 103(a) as made obvious by the combination of Sezan et al (U.S. Patent No. 6,236,395) and Banker et al (U.S. Patent No. 5,485,221).

The FINAL REJECTION states that Sezan et al teaches an apparatus for customizing television content which runs on a computing platform coupled to a receiver and display device (claim 1) and the functional method associated with an apparatus for customizing television content (claim 6). The FINAL REJECTION states Sezan et al teaches the filter module of claim 1 and the step of selecting a preferred display component of claim 6 at: column 3, lines 48-59; column 9, lines 48-52; and column 10, lines 31-37. The FINAL REJECTION states that Sezan et al does not explicitly teach the supplemental data extractor operable to receive plural supplemental data from the television signal provider, or the overlay which integrates the decoded television signal and the preferred display component into a combined display nor the similar method limitations of claim 6. The FINAL REJECTION states that it would be obvious to combine the teaching of Banker et al at column 3, lines 30-47 and lines 57-65 and column 5, lines 1-9 to overlay a decoded television signal and the preferred display component for combined display.

**Arguments**

Claims 1, 2, 5, 6, 8 and 16 to 19

Claims 1, 2, 5, 6, 8 and 16 to 19 were rejected under 35 U.S.C. 103(a) as made obvious by the combination of Sezan et al., U.S. Patent No. 6,236,395 and Banker et al. U.S. Patent No. 5,485,221.

Claims 1 and 6 recite subject matter not made obvious by the combination of Sezan et al and Banker et al. Claim 1 recites a filter module "operable to access the viewer profile and the

supplement data and, in response, to select a preferred display component according to the one television signal selected by the viewer via said input device, the viewer profile and the supplemental data, the preferred display component consisting of supplemental data selected by said filter module according to the viewer profile from among plural supplemental data corresponding to the one television signal selected by the viewer." Claim 6 similarly recites "selecting a preferred display component in accordance with the one television signal selected by the viewer, the viewer profile and supplemental data, the preferred display component consisting of supplemental data selected by said filter module according to the viewer profile from among plural supplemental data corresponding to the one television signal selected by the viewer." Thus claims 1 and 6 recite viewer selection of the television signal and filter module selection of corresponding supplemental data based upon both the selected television signal and the user profile. Claims 1 and 6 also recite that this selection of the supplemental data is from plural supplemental data corresponding to the selected television signal.

The teachings of Sezan et al and Banker et al fail to make obvious the claimed combination of user selection and filter module selection based on the user profile.

Sezan et al discloses automatically selecting and storing received television signals selected according to a user profile for later replay. Banker et al discloses user selection of a virtual channel including both the video and text data which are assembled by the cable head end. Banker et al states at column 4, lines 52 to 67:

"When a selector selects the virtual channel defined in memory, a tuner tunes to the channel of the broadband video signal that the composite video signal occupies as determined from the mapping in memory. Accordingly, the composite video signal may be applied to processing circuitry. In the processing circuitry, the text data stream corresponding to the selected virtual channel can be extracted. The extracted text data stream and the composite video signal are then

supplied to an on -screen display control which produces a video output display signal therefrom. When applied to a standard television receiver, the video output display signal produces a picture having both text information from the extracted data stream and video information from the portion of the composite video signal corresponding to the video program defined by the virtual channel."

This portion of Banker et al makes clear that the correspondence between the video and "the text data stream corresponding to the selected virtual channel" is fixed at the transmitter and not selected according to a profile based upon the user television signal selection. Banker et al discloses that the user may select one of these fixed combinations but does not teach that the text data (supplemental data) selected for a particular video is made according to a profile. A combination of Sezan et al and Banker et al would select both the television signal the corresponding supplemental data based on the viewer profile. In contrast, claims 1 and 6 recite viewer selection of the television signal and automatic selection of supplemental data is according to the selected television signal and the viewer profile. The Applicants respectfully submit that the combination of Sezan et al and Banker et al fail to make obvious the selection of the television signal and the supplemental data by differing agents as recited in claims 1 and 6. Accordingly, claims 1 and 6 are allowable over the combination of Sezan et al and Banker et al.

In paragraph 26 of the FINAL REJECTION, the Examiner takes issue with the Applicants' argument that the correspondence between the video and text data is fixed upon user selection of the virtual channel in Banker et al. The Examiner then cites portions of Banker et al that do not contradict the Applicants' argument. Instead the FINAL REJECTION states at page 17, lines 20 to 22:

"These teachings clearly illustrate the fact that the user has the capability to select from among many text streams (analogous to the claimed supplemental data) at the user terminal and apply them to a video signal."

The Applicants dispute that Banker et al teaches that the video and text streams can be selected independently. Banker et al teaches user selection of virtual channels, with each virtual channel having a video signal and a fixed corresponding text stream. Banker et al states at column 4, lines 4 to 8 (cited by the Examiner) :

"The subscriber terminal includes a selector for selecting a virtual channel and a control signal generator for generating tuning control signals, text extraction signals and video program control signals corresponding to the selected virtual channel."

This clearly states that the video and text both correspond "to the selected virtual channel." Banker et al stated at column 4, lines 29 to 32 (within a section cited by the Examiner) :

"Consequently, from a single channel of the broadband television signal, several multi-service virtual channels may be defined, each having a different combination of video and text."

This clearly states that the virtual channel selection selects a combination of video and text. Banker et al gives several examples of combinations of video and text selected by user selection of a virtual channel. Banker et al states at column 15, lines 58 and 95

"FIG. 4A illustrates the display obtained from a virtual channel composed of video #1 and text stream #3."

Banker et al states at column 16, lines 7 to 10:

"FIG. 4B illustrates the display obtained from a virtual channel composed of video #3 and text #1. FIG. 4C illustrates the display obtained from a virtual channel composed of video #4 and text stream #2."

These examples make clear that user selection of a virtual channel in Banker et al selects a video and a corresponding text stream. Thus the user is never able to select a text stream independently

from the video. Applying the user profile selection taught in Sezan et al would result in selection using a viewer profile of a virtual channel combination of video and the corresponding text as taught in Banker et al. This combination does not make the obvious recitations of claims 1 and 6.

Even if the teachings of Banker et al make obvious independent selection of video and text, the combination of Sezan et al and Banker et al fails to make obvious claims 1 and 6. Claims 1 and 6 each recite that the supplemental data selection is made "from among plural supplemental data corresponding to the one television signal selected by the viewer." Sezan et al fails to teach any combination of video and text. The Examiner urges that Banker et al teaches independent user selection of video and text. The combination of Sezan et al and Banker et al would thus make obvious user profile selection of both the video and the supplemental data or text. These references in combination thus fail to make obvious that the supplemental data selection is dependent upon the user's television signal selection and the user profile as recited in claims 1 and 6.

Claims 2 to 5, 7 to 10 and 16 to 19 include no subject matter providing independent basis for allowance. Claims 2 to 5, 7 to 10 and 16 to 19 are allowable by dependency upon allowable base claims.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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**APPENDIX**  
**CLAIMS ON APPEAL**

1    1. An apparatus for customizing television content operable to  
2 run on a computing platform electrically coupled to a receiver  
3 which is electrically coupled to a display device, the apparatus  
4 operable to receive supplemental data from a supplemental data  
5 database maintained by a television service provider, the apparatus  
6 comprising:

7                a television tuner/decoder operable to receive television  
8 signals from the television service provider and decode the  
9 received television signal;

10              an input device operable with said television tuner/decoder  
11 enabling a viewer to select for viewing one television signal  
12 received by said television tuner/decoder;

13              a supplemental data extractor operable to receive supplemental  
14 data from the television service provider;

15              a profile database operable to store a viewer profile;

16              a filter module electrically coupled to said profile database  
17 and to the supplemental data extractor, said filter module operable  
18 to access the viewer profile and the supplemental data and, in  
19 response, to select a preferred display component according to the  
20 one television signal selected by the viewer via said input device,  
21 the viewer profile and the supplemental data, the preferred display  
22 component consisting of supplemental data selected by said filter  
23 module according to the viewer profile from among plural  
24 supplemental data corresponding to the one television signal  
25 selected by the viewer operable to target a particular viewer  
26 relative to other viewers by supplementing television content; and

27              an overlay disposed proximate to the display device and remote  
28 from the television service provider, said overlay coupled to said  
29 television tuner/decoder and to said filter module to substantially  
30 simultaneously receive the decoded television signal and the  
31 preferred display component, said overlay operable to integrate

32 said decoded television signal and said preferred display component  
33 for combined display via a display device.

1 2. The apparatus of Claim 1, further comprising a profile module  
2 operable to receive viewer demographic information and, in  
3 response, to generate the viewer profile.

1 3. The apparatus of Claim 2, wherein said profile module is  
2 operable to provide a demographic template to the viewer for  
3 receiving the viewer demographic information.

1 4. The apparatus of Claim 1, wherein the viewer profile contains  
2 demographic categories corresponding to input options comprising:  
3       an age option;  
4       a race option;  
5       a gender option;  
6       a marital status option;  
7       an educational level option;  
8       a sexual preference option; and  
9       an income level option.

1 5. The apparatus of Claim 1, wherein the filter module comprises  
2 a selection algorithm operable to select a preferred display  
3 component according to the viewer profile and the supplemental  
4 data.

1 6. A method performed on a computing platform that is associated  
2 with a display device and a receiver for providing functionality  
3 associated with an apparatus for customizing television content,  
4 the method comprising:

5       storing a viewer profile in a profile database;  
6       receiving a plurality of television signals from a television  
7 signal provider;  
8       receiving a viewer selection of one of the plurality of  
9 television signals;

10 receiving supplemental data from a display component database;  
11 accessing the viewer profile in the profile database and the  
12 supplemental data;

13 selecting a preferred display component in accordance with the  
14 one television signal selected by the viewer, the viewer profile  
15 and supplemental data, the preferred display component consisting  
16 of supplemental data selected by said filter module according to  
17 the viewer profile from among plural supplemental data  
18 corresponding to the one television signal selected by the viewer  
19 operable to target a particular viewer relative to other viewers;  
20 and

21 integrating at a location proximate to the display device and  
22 remote from the television service provider the one television  
23 signal and the preferred display component for combined display to  
24 a viewer.

1 7. The method of Claim 6, wherein:

2 said step of selecting a preferred display component in  
3 accordance with the viewer profile and supplemental data includes  
4 transmitting an abbreviated reference associated with a  
5 specific display component to the viewer from the television  
6 service provider;

7 automatically selecting an abbreviated reference via the  
8 computing platform at a viewer location in accordance with the  
9 viewer profile;

10 requesting at the viewer location a preferred display  
11 component associated with the abbreviated reference from the  
12 television service provider; and

13 transmitting the preferred display component from the  
14 television service provider to the viewer location.

1 8. The method of Claim 6, further comprising the steps of:  
2 receiving viewer demographic information; and  
3 generating the viewer profile according to the viewer  
4 demographic information.

1   9. The method of Claim 8, further comprising the step of  
2 providing a demographic template to the viewer to receive the  
3 viewer demographic information.

1   10. The method of Claim 6, wherein the viewer profile contains  
2 demographic categories corresponding to input options comprising:  
3       an age option;  
4       a race option;  
5       a gender option;  
6       a marital status option;  
7       an educational level option;  
8       a sexual preference option; and,  
9       income level.

1   16. The apparatus of claim 1, wherein:  
2       said overlay operate to integrate said decoded television  
3 signal and said preferred display component for display via a  
4 display device by displaying said decoded television signal in a  
5 first display area and said preferred display component in a second  
6 display area.

1   17. The apparatus of claim 1, wherein:  
2       said supplemental data extractor is coupled to said television  
3 tuner/decoder to extract said supplemental data from said decoded  
4 television signal.

1   18. The method of claim 6, wherein:  
2       said step of integrating the received television signal and  
3 the preferred display component for display displays the decoded  
4 television signal in a first display area and the ~~prefer~~red display  
5 component in a second display area.

1   19. The method of claim 6, wherein:

2        said step of receiving supplemental data from a display  
3 component database extracts the supplemental data from the  
4 television signal.

**EVIDENCE**

None.

**RELATED PROCEEDINGS**

There are no court decisions or Board decisions relating to this appeal in this application.

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